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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,

Plaintiff,

v.

LEONARD A. PELULLO,

Defendant.

Crim. No. 94-276(DRD)

Civ. No. 01-124(DRD)

**ORDER**

Defendant, Leonard Pelullo, having moved for relief pursuant to Federal Rule of Civil Procedure 60(b) and (d) on the ground that the government misrepresented material facts to the Court of Appeals for the Third Circuit and to the District Court; and Defendant having also moved for relief pursuant to Federal Rule of Civil Procedure 60(b) on the ground that the Supreme Court decision in United States v. Santos, 553 U.S. 507 (2008) established that his conviction on the indictment's money laundering counts was invalid; and the Court having reviewed the submissions of the parties and having heard argument of counsel; and for the reasons set forth in an opinion of even date,

It is this 22nd day of July, 2011 **ORDERED** as follows:

1. Defendant's motion for relief pursuant to Fed. R. Civ. P. 60(b) and (d) asserting that the government misrepresented material facts to the Court of Appeals for the Third Circuit and to the District Court is denied.

2. Said motion will be treated as an application for leave to file a second or subsequent § 2255 petition and transferred to the Court of Appeals.

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3. Defendant's motion for relief asserting that the Supreme Court's decision in United States v. Santos established that his conviction on the money laundering counts was invalid will be treated as a petition pursuant to 28 U.S.C. § 2241 and denied.

s/ Dickinson R. Debevoise

DICKINSON R. DEBEVOISE, U.S.S.D.J.